



**Statement of
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**On
Mandatory Retirement for Commercial Airline Pilots at Age 60**

**Before the
Senate Special Committee on Aging
September 14, 2004**

Chairman Craig, Ranking Member Breaux, and distinguished members of the Committee. Thank you for the opportunity to testify today and to present the views of the pilots of Southwest Airlines on the issue of mandatory retirement rules.

The current Federal Aviation Administration (FAA) rule, promulgated in 1959, requires pilots flying large commercial aircraft under Part 121 of Federal Aviation Regulations, to retire by their 60th birthday. This issue, known to the aviation community as the "Age 60" rule has been contentious among pilots and the airlines they serve for over forty years.

The 4400+ pilots of the Southwest Airlines Pilots' Association which I represent oppose the Age 60 rule and think the time for re-evaluation is now. In fact, our membership had a referendum on the issue in 2003, and a clear majority of pilots voted to reform the rule. I am also happy to report that this is just one of the issues on which management and labor are in lock step at Southwest Airlines (SWA). Our Chairman and founder, Herb Kelleher, put his signature on a letter of support for Age 60 reform shortly after our membership vote.

The Age 60 rule was made final under the premise of safety and "medical facts" according to the Federal Aviation Agency's press release of December 5, 1959. The FAA cites "The progressive deterioration of both physiological and psychological functions which normally occur with age," stating with certainty that these deteriorations "Result in significant medical defects." While these statements may have passed for "medical facts" in 1959, today we know that they are simply age discrimination.

The Equal Opportunity Employment Commission (EEOC) agrees. The EEOC opposes the Age 60 rule and maintains that the FAA violates the Age Discrimination in Employment Act of 1968 (ADEA) because it unjustifiably applies a different standard to pilots over age 59 than younger pilots doing the same job. In fact, The EEOC has successfully forced private corporations to eliminate rules that required their pilots to retire at 60.

The reality is that the 1959 rule came about more as a way to settle a labor dispute between pilots and management of TWA, American and Western Airlines than of concern for the safety of jet

age travelers. Even if there were a time when retirement made sense for pilots at 60, with people living productive work lives well into their 80's, this rule cannot make sense with the medical science of 2004. Regardless of the FAA's intent in 1959, surely today a rule requiring the nation's most well-trained and experienced pilots to retire at 60 does not appear to have any scientific or medical basis. I am not a doctor, just a pilot... I believe that is why Dr. Raymon from the Aerospace Medical Association is here today. I do know that pilots, along with the entire population, are living longer, healthier lives than when the Age 60 rule was enacted in 1959.

I also know that the National Institute on Aging of the National Institutes of Health agreed in a report to Congress as far back as 1981 that age 60 is an age of no particular significance for piloting. The NIA recommended that the FAA retain the Age 60 Rule while they allow a study of airline pilots over age 60 to gather meaningful data. The FAA initially agreed to study older airline pilots, however they later declined. In 1985, Dr. Frank Williams, Director of the NIA and member of the study panel, testified before the House Select Committee on Aging stating that, since the FAA would not collect the agreed-to data, it was no longer the position of the NIA or the NIH that the FAA retain the Age 60 rule.

Just look at our 41st president George Bush. At 80 years young, he not only wants to fly in airplanes... he is jumping out of them. Just this summer we were all thrilled when SpaceShip One became the first manned commercial vehicle to slip the surly bonds of earth. The craft was piloted by 63 year old test pilot Mike Melvill, who did have a very physical challenge bringing that ship safely back to earth. He met that challenge and is now practicing for the next historic flight which we all hope will win his team the coveted "X" prize. He is clearly one of the pilots out there "pushing the edge of the envelope." Under the current FAA rules however, he cannot fly a Boeing 737 for my airline. In fact, one of SWAPA's recently retired members continues to compete in triathlons and cross country bicycle races, hardly an indicator of failing health.

Flying a commercial airliner is not the physically demanding environment I encountered 15 years ago in the 7 – 9 "G" world of the F-16 I flew in the Air Force. Commercial piloting is, however, a job requiring key management skills and sound judgment. These are talents that I have found typically come with age and experience.

The facts are that plain. The FAA has the ideal mechanisms for ensuring safe pilots at any age are already in place. To retain my license and fly as a pilot for Southwest Airlines, I must pass semi-annual flight physicals administered by a qualified (FAA licensed) Aero-Medical Examiner (AME). When a pilot turns 40 years of age, he must undergo an EKG every other flight physical, which is electronically transmitted by the AME directly to FAA headquarters where a computer program alerts if parameters dictate.

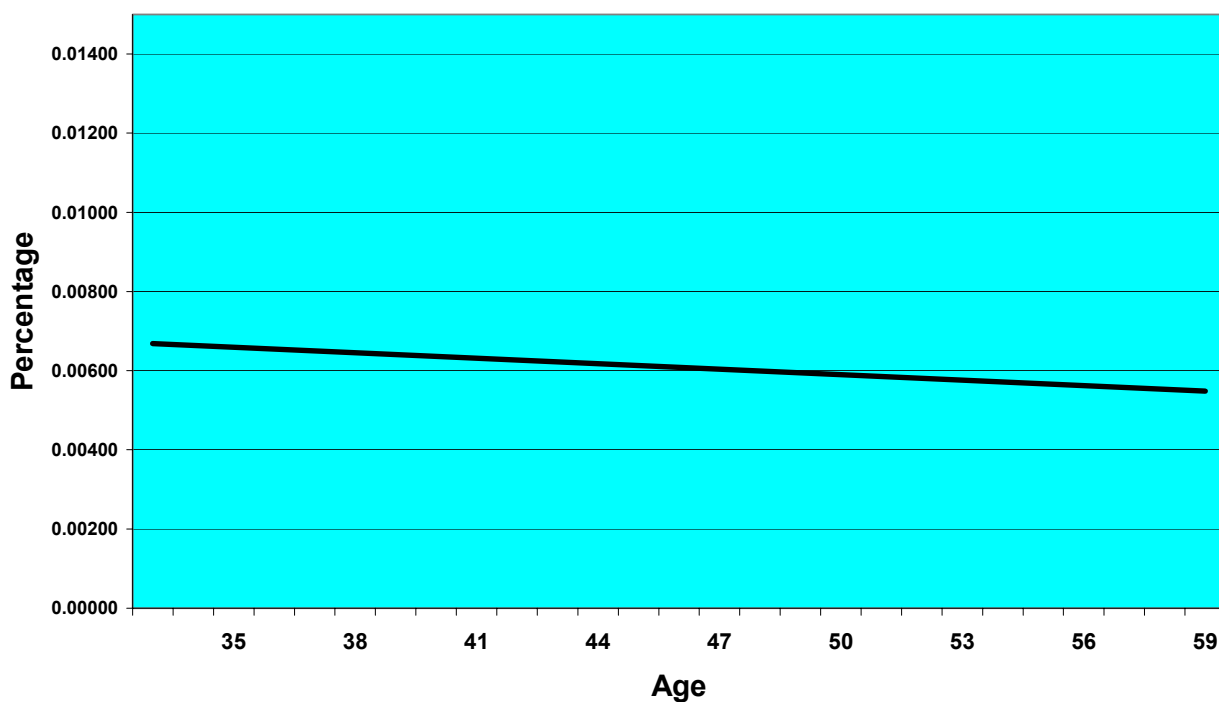
Pilots must also successfully pass semiannual simulator training and flight checks designed to evaluate the crewmember's ability to respond to various aircraft emergencies and/or competently handle advances in flight technology and the Air Traffic Control (ATC) environment. Captains must demonstrate, twice yearly, complete knowledge of systems and procedures, safe piloting skills and multi-tasking by managing emergency and normal flight situations, typically in instrument flight conditions conducted in advanced simulators. There is no greater test of cognitive ability and mental dexterity than these simulator rides. Flight crews are also administered random inflight check rides by FAA inspectors and Southwest check airmen. Further, we are subject to random alcohol and drug testing at any time while on duty. There is

no other profession examined to this level. The 59 year old Captain arrives at this point in his career having demonstrated successful performance following years of this kind of scrutiny. FAA studies have verified the superior level of safety exhibited by this senior Captain.

At Southwest, our pilots are trained to fly the aircraft on instruments down to 50' above the ground in poor visibility conditions before acquiring the intended runway and landing visually. In simulators, both pilots must demonstrate the ability to immediately determine whether a safe landing can be made at this point and then either execute a "go-around" or land. The First Officer is trained to assume control of the aircraft and execute a "go-around" if the Captain fails to respond to procedures at this critical decision point. If either pilot should become incapacitated, even at touchdown, the other pilot is capable of assuming control in order to fly the airplane to a safe landing. The passengers would probably remain unaware that a pilot had become ill until the aircraft is met at the gate by Emergency Medical Technicians (EMT).

Simulator failure rates among SWA pilots are low. Last year there were only 31 out of 4,200 simulator checkrides. But as pilots approach age 60 the failure numbers are at their lowest. The graph attached shows this and I believe that experience is the key. As pilots get older, they know how to better handle the extreme situations they may have encountered in simulator checks. The mean failure rate declines at an even rate from a pilot's thirties through his fifties. Of course, because of the Age 60 rule, I don't have data to show that this trend would continue throughout a pilot's sixties, but I suspect it would.

**Southwest Airlines Pilot Simulator % Failure Rate by Age
Regression Analysis**



Commercial flying under part 121 passengers requires a pilot and co-pilot, at least in the large commercial aircraft which SWA flies. It is uncommon for one of the pilots to become ill during flight but not unheard of. In such cases, the other pilot is present to safely conduct the flight to a conclusion at which point a replacement is obtained before continuing. Most of the illnesses encountered during the flight regime encompass pressurization changes or incompatible food ingestion (the latter is probably the greatest source of illnesses flying on line). Less frequent are the unwanted physiological responses to pressure changes but the most common is an inability to neutralize pressures in the sinuses or Eustachian tubes (ears) during climbs and descents.

One reason the Age 60 issue remains contentious—even among some pilots—is the dramatic differences in pension plans. While many of the legacy carriers have historically offered rich defined benefit plans, SWA and newer carriers have defined contributions—401(k)s - which are like most Americans' retirement benefits. At SWA these plans are combined with profit-sharing incentives which are in fact limited by early retirement. Raising the mandatory retirement age offers immediate relief to under-funded defined benefit pension plans. Pilots that continue to work beyond 60 years postpone the withdrawal of pension funds, allow the airlines more time to replenish pension accounts and perhaps salvage the remaining pensions.

As with pensions, the longer an airline pilot works the more they contribute to Social Security. Taxpayers will clearly benefit if professionals like airline pilots can work longer and keep contributing to Social Security and the economy. In light of recent declines in interest rates and market returns, longer careers are vital to sufficiently funding private accounts and Social Security alike.

Some pilots have broken career paths due to the many airline failures which have occurred since the de-regulation of the industry. Adding a few years to the career of the airline pilot is a win-win situation. The airlines, the pilots, the traveling public, and the taxpayer, all benefit, if we are allowed to fly additional years, without sacrificing safety one iota.

The sad truth is that every time an experienced pilot has to retire because of his or her 60th birthday, SWA managers and the traveling public loses the experience of the seasoned pilot who is quite capable of safely working beyond age 60.

Last year the Senate came very close to fostering the beginning of the end of the Age 60 rule with a vote on the Inhofe Amendment to the FAA authorization bill. SWAPA strongly supported the amendment and is grateful to Senator Inhofe, and Congressman Gibbons, fellow pilots for all their hard work on the issue. I want to thank the Chair and the other 44 members who voted with Senator Inhofe to raise the retirement age to 65. We fell a bit short but hope to have another vote soon. We thank you for holding this hearing which has shed some new light on this old issue—particularly in regard to the new medical evidence presented by the Aerospace Medical Association. Armed with this new information, I encourage the chair and his colleagues in the Senate to allow another vote on the issue.

Thank you, Mr. Chairman, for the opportunity to testify. I look forward to working in a bipartisan fashion to ensure a legislative solution to provide relief from this arbitrary rule.